

Probate Notes for December 3, 2009

Probate notes are a recommendation as to the outcome of the petition. Unlike tentative rulings, they do not automatically become adopted as the order of the court. If you wish to continue a matter, please contact the civil division at (530) 406-6704. If you have questions, you may contact the probate examiner at (530) 406-6802 between the hours of 2 and 4 p.m.

CASE: Conservatorship of Roy Lee Ammons
Case No. CV PB 08-145

It is recommended to approve the Court Investigator's report.

The following are noted:

- (1) A completed notice of hearing for the account and report has not been filed.
- (2) It is recommended that the petitioner provide further explanation for the substantial disbursements listed as "Allowance" in Schedule C of the account.
- (3) The pages listing the property on hand at the beginning of the account and property on hand at the close of the account lists "149 units" of Metlife. The Carry Value column for this item states, "to be inventoried." No inventory has been provided for this asset.

CASE: Conservatorship of Alexander Pierson
Case No. CV PB 06-95

The following are noted:

- (1) Petitioners have never filed an account and report in this matter. (Prob. Code, § 2620.) It is recommended that the Court require the Clerk to give written notice to counsel for the conservators Webb & Tapella Law Corporation, directing the conservators to file their account and report and to set the accounting for hearing before the court within 30 days of the date of the notice. (Prob. Code, § 2620.2, subd. (a).) It is recommended that the Court review the petitioners' account and report before authorizing the transfer of the estate to the proposed trustee. It is recommended to continue this matter to Wednesday, January 6, 2010, at 9:00 a.m. in Department Fifteen to give the conservators time to file and give notice of the account and report.
- (2) The proposed trust provides that the Trust Advisory Committee ("TAC") has the right to remove and replace any then-serving trustee, with or without cause. Court approval should be required for the removal or replacement of a trustee. (California Rules of Court, rule 7.903(c)(7).)
- (3) The proposed trust states that each TAC member shall be entitled to reasonable compensation at the trustee's discretion. This provision should also state that compensation must be upon court order. (California Rules of Court, rule 7.903(c)(8).)

- (4) The proposed trust states that the trustee will file a first accounting one year after the filing of the order directing the conservator to transfer the assets listed on Schedule A to the trustee and biennially thereafter. It is recommended that the proposed trust clarify whether such accountings should be filed in Yolo Superior Court Case No. CV PB 06-95.
- (5) The proposed trust places into the trust all assets inventoried in the conservatorship of the estate in Yolo Superior Court Case No. CV PB 06-95. It is recommended that the petitioners confirm that all assets of the conservatorship estate have been inventoried.
- (6) Petitioners should submit a proposed order.

CASE: Estate of Betty Jane Polk
Case No. CV PB 09-188

If proof of publication is filed, it is recommended to grant the petition for probate of will, for letters testamentary and for authorization to administer the estate under the Independent Administration of Estates Act. Petitioner should submit a proposed order.